
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Summer Rose Broadcasting)	File No.: EB-FIELDSCR-14-00014094
)	
Licensee of Station WLEL)	NOV No.: V201432480005
)	
Ellaville, GA)	Facility ID: 165968

NOTICE OF VIOLATION

Released: April 28, 2014

By the District Director, Atlanta Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Summer Rose Broadcasting, licensee of Station WLEL in Ellaville, GA. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On January 17, 2014, an agent of the Enforcement Bureau's Atlanta Office inspected Station WLEL located at Ellaville, GA and observed the following violation(s):

- a. 47 C.F.R. § 11.52(d)(1): "With respect to monitoring for EAS messages that are formatted in accordance with the EAS Protocol, EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system... are specified in the State EAS plan..." At the time of inspection, Station WLEL was not monitoring any EAS sources.
- b. 47 C.F.R. § 11.61(a)(1): "EAS Participants shall conduct tests at regular intervals, as specified in paragraphs (a)(1) and (a)(2) of this section... Required Monthly Tests of the EAS header codes, Attention Signal, Test Script and EOM code. (i) Tests in odd numbered months shall occur between 8:30 a.m. and local sunset. Tests in even numbered months shall

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

occur between local sunset and 8:30 a.m. They will originate from Local or State Primary sources...The monthly tests must be transmitted within 60 minutes of receipt by EAS Participants in an EAS Local Area or State.” Because Station WLEL was not monitoring any stations, it never received nor transmitted any required Monthly Tests. It also failed to log that it had not received any required Monthly tests.

- c. 47 C.F.R. § 11.52(d)(2): “With respect to monitoring for EAS messages... EAS Participants EAS Equipment must interface with the Federal Emergency Management Agency’s Integrated Public Alert and Warning System (IPAWS) to enable... the distribution of Common Alert Protocol (CAP) formatted alert messages from the IPAWS system to EAS Participants EAS equipment.” At the time of inspection, there was no CAP equipment installed, and the station owner was not aware of the CAP requirements.

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its licensees.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Summer Rose Broadcasting must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

5. In accordance with Section 1.16 of the Rules, we direct Summer Rose Broadcasting to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Summer Rose Broadcasting with personal knowledge of the representations provided in Summer Rose Broadcasting’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

Federal Communications Commission

the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Atlanta Office
3575 Koger Blvd Suite 320
Atlanta, GA 30096

7. This Notice shall be sent to Summer Rose Broadcasting at its address of record.

8. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Doug Miller
District Director
Atlanta Office
South Central Region
Enforcement Bureau

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).